

### Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 17-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,293,374 of *Eidson* ("*Eidson* '374") and U.S. Patent No. 5,978,753 of *Eidson* ("*Eidson* '753") and U.S. Patent No. 6,236,623 of *Read et al.* ("*Read*").

Claims 24 and 34 have been cancelled. New claims 40-43 have been added.

It is submitted that amended claim 17 is not obvious in view of *Eidson* '374 and *Eidson* '753 and *Read* because *Eidson* '374 and *Eidson* '753 and *Read* do not teach or suggest a modular system having an instrument bay for holding a set of modules as claimed in amended claim 17. Instead, *Eidson* '374 discloses a instrument 18 that is a single unit, i.e. a stand-alone instrument. (*Eidson* '374, col. 4 lines 1-2). *Eidson* '753 discloses a set of components 12 that execute node applications 14 (*Eidson* '753, col. 3 lines 49-54) but does not disclose that the components are modules that plug into an instrument bay as claimed in amended claim 17. *Read* discloses a master control device and slave control device (*Read*, col. 4, lines 31-33) but does not disclose that the devices are modules that plug into an instrument bay as claimed in amended claim 17.

Moreover, *Eidson* '374 and *Eidson* '753 and *Read* do not disclose or suggest an instrument bay that holds a set of network communication lines and a communication device that enables communication among the network communication lines as claimed in amended claim 17. *Eidson* '374 does not disclose a communication device that enables communication among network communication lines as claimed in amended claim 17. *Eidson* '753 discloses a smart hub 18 that is external to the components 12

(*Eidson* '753, Fig. 1) rather than an instrument bay that holds a set of network communication lines and a communication device that enables communication among the network communication lines as claimed in amended claim 17. *Read* discloses a master control device and slave control device with internal communication controllers (*Read*, Fig. 3b) rather than an instrument bay that holds a set of network communication lines and a communication device that enables communication among the network communication lines as claimed in amended claim 17.

Given that claims 18-23 and 25-29 depend from amended claim 17, it is submitted that claims 18-23 and 25-29 are not obvious in view of *Eidson* '374 and *Eidson* '753 and *Read*.

It is further submitted that amended claim 30 is not is not obvious in view of *Eidson* '374 and *Eidson* '753 and *Read*. Amended claim 30 includes limitations similar to the limitations of amended claim 17. Therefore the remarks stated above with respect to amended claim 17 also apply to amended claim 30.

Given that claims 31-33 and 35-39 depend from amended claim 30, it is submitted that claims 31-33 and 35-39 are not obvious in view of *Eidson* '374 and *Eidson* '753 and *Read*.

Applicant further submits that new claims 40-43 are not obvious in view of *Eidson* '374 and *Eidson* '753 and *Read*. New claims 40-43 include limitations similar to the limitations of amended claim 17. Therefore the remarks stated above with respect to amended claim 17 also apply to new claims 40-43.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-1078 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 1-14-05

By: Paul H. Horstmann

Paul H. Horstmann  
Reg. No.: 36,167